

Douglas R. Dollinger
Counselor at Law

Admitted to Both

State & Federal Practice

40 Matthews Street - Suite 101

Village of Goshen

Goshen, New York 10924

www.dollingerlaw.com

Telephone
(845) 294-2771
(888) Civi Law
Fax
(845) 294-2772

Affiliate Offices
San Diego-California
New York City-New York

March 28, 2008

Facsimile: 914.390.4179

Honorable Stephen C. Robinson
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

MEMO ENDORSED

Re: City of Newburgh vs. 96 Broadway, et al.
Case No.: 07 cv 6698 (SCR) (MLF)

Your Honor:

On or about March 26, 2008, I received the Court's Notice of Cancellation of Conference in the above-referenced matter. Prior to receiving the Court's Order it was my intention to seek leave at the March 28, 2008, conference relative to filing several motions, including a motion to amend the complaint before the Court as well as to seek leave of the Court for Rule 11 sanctions based on the City's willful breach of an agreement entered into with the undersigned so that Plaintiffs would not seek a permanent injunction from this Court relative to the completion of the roof line of the building at the center of the issues in this case.

In short the City obtained certain considerations from this office that the request for the injunction would not be filed, while agreeing to a settlement the roofline matter relative to the State Order to Show Cause. After, a written agreement was finally entered into, and after the undersigned was unavailable to act, the City disregarded the agreement and proceeded to further violate the Plaintiffs' Constitutional and Civil Rights.

In addition, in an attempt to properly amend the Complaint, the Court should be aware that despite numerous demands under FOIL for information related to specific acts of the City and its employees, the CITY has refused to respond to these requests. What's more, they have red flagged the demands and related files so that even when third-parties attempt to obtain the requested public information the information is being illegally withheld.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOUGLAS R. DOLLINGER
DATE 4/2/08

96 Broadway v. City of Newburgh

March 28, 2008

Page-2-

Case No.: 07 cv 6698 (SCR) (MLF)

I have filed a motion to prevent further obstruction by the City in State Court and requested sanctions for their breach of the settlement agreement. The Motion is returnable April 7, 2008. And, because I am now forced to seek judicial review of the City's conduct relating to my FOIL requests at the State level, unless I can obtain the information by other means, I am forced to seek an extension of time for review of the motions pending before the Court so that the Court may consider the Plaintiffs' motion to amended the complaint and associated motions. I am seeking a filing date for these motions to May 23, 2008. Respectfully, the undersigned awaits the Court's decision.

Respectfully,

Douglas R. Dollinger

DRD/dn

Encls.

Cc Tarshis, Catania, Liberth, Mahon & Milligram, PLLC: Facs. 845.565.1999;

M. Rosenstein, Esq: Facs. 845. 692. 8404; Bergstein & Ullrich, LLP: Facs. 845.469.5904

APPLICATION DENIED

Stephen C Robinson 4/2/08

HON. STEPHEN C. ROBINSON